UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/1981/WG.1/SR.2
21 April 1981

ORIGINAL: ENGLISH

First regular session, 1981

SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 2nd MEETING

Held at Headquarters, New York,
on Tuesday, 14 April 1981, at 3 p.m.

Chairman: Mr. DIA (Senegal)

later: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 6-9 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550, 866 United Nations Plaza.

Any corrections to the records of the meetings of this session, will be consolidated in a single corrigendum to be issued shortly after the end of the session.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6-9 (continued)

Report of Czechoslovakia (E/1978/8/Add.18) (continued)

1. Mr. SOFINSKY (Union of Soviet Socialist Republics) congratulated Mr. Kunz on his excellent statement and on the situation as reported in his country, Czechoslovakia. Mr. Kunz had given the Working Group a detailed account of the constitutional and legislative provisions in force and a great deal of factual data showing that the articles of the Covenant were being effectively implemented. His report reflected his Government's achievements in respect of social conditions as a whole and human rights in particular. The many questions put to him indicated the great interest of the members of the Working Group.

2. There had been a number of important events in Czechoslovakia since 1978, when the report had been published. In particular, the Czechoslovak Communist Party had held its Congress, an event which in socialist countries always made an important contribution to legislative activity and to the practical aspects of everyday life. To supplement the information in the report, he therefore asked for an account of the means available for the settlement of labour disputes and of the relationship between Czechoslovak domestic legislation and international law as expressed in the Covenant.

2A. Mr. MAYCOCK (Barbados) also congratulated Mr. Kunz on his excellent presentation. There were two points on which he would like further details: the gradual shortening of working hours referred to on page 4 of the report, and the question of private economic activity mentioned in two paragraphs on page 3.

3. Mr. SAMSON (International Labour Organisation) said that the situation in Czechoslovakia with respect to the implementation of articles 6-9 of the Covenant had been considered by the ILO Committee of Experts on the Application of Conventions and Recommendations in 1979 and reported on in document E/1979/33, pages 56-61. Since the composition of the Working Group had changed substantially since the previous session, he thought it would be useful to review briefly the nature of the ILO's contribution to the work of the Working Group.

4. In resolution 1988 (LX), the Economic and Social Council had called on the specialized agencies to report to it on the progress made in achieving observance of the provisions of the Covenant. The ILO Governing Body had entrusted the task to its Committee of Experts on the Application of Conventions and Recommendations since that Committee was already exercising similar functions in respect of the implementation of the ILO's own instruments. For each country for which a report had been transmitted to the ILO, the Committee of Experts had tried to provide brief indications of the position of law and practice with respect to the articles under consideration, in so far as the matters came within the field of activity of the ILO.

5. Mr. SOFINSKY (Union of Soviet Socialist Republics), speaking on a point of order, said that the report of the ILO had not been received. He therefore questioned whether it was appropriate for the ILO representative to review its contents.

6. The CHAIRMAN recalled the decision taken at the 1980 session of the Working Group to give the floor to the representatives of the specialized agencies after the representatives of States which were members of the Group had presented their reports.

7. Mr. SOFINSKY (Union of Soviet Socialist Republics) drew attention to paragraph 11 of the report of the sessional Working Group for the previous year (E/1980/60). It was his understanding that the representatives of specialized agencies were to make general statements on matters relating to their field of competence and not to refer to reports submitted by Governments.

8. The CHAIRMAN noted that the representative of the ILO was explaining the position for the benefit of members not present in 1980.

9. Mr. SAMSON (International Labour Organisation) said that the report to which he had referred had been circulated to the Economic and Social Council, and had been before the Working Group at its last session as document E/1979/33. He would like to draw the Group's attention to some points that emerged from it and to certain developments that had occurred since its publication.

10. There had been a number of further ratifications by Czechoslovakia of ILO Conventions, including the Human Resources Development Convention of 1975, which was relevant to the implementation of the right to work, and the Benzine Convention of 1971, relevant to working conditions. Since 1979, the ILO Committee of Experts had also re-examined the position with regard to the application of several of the Conventions mentioned in the Czechoslovak report.

11. In connexion with article 6 of the Covenant, the ILO Committee had noted in 1980 that various measures that had been intended to ensure legislative conformity with the Forced Labour Convention were still under consideration. With regard to the Discrimination (Employment and Occupation) Convention, the Committee had requested the Czechoslovak Government to provide more detailed information in 1981 on the measures taken to specify the conditions governing the interpretation and application of the legislation in a manner in conformity with the Convention.

12. Mr. SOFINSKY (Union of Soviet Socialist Republics) objected that the representative of the ILO was not making a general statement but was commenting on a report submitted by a Government.

13. The CHAIRMAN said that the question had been discussed at some length at the previous session and an understanding had been reached after informal consultations. He hoped that the representative of the Soviet Union would not press his objection.

14. Mr. SAMSON (International Labour Organisation) said that although the 1981 report of the ILO Committee of Experts had not yet been published, copies had

(Mr. Samson, ILO)

been sent to the Government concerned and a copy had been given to the Czechoslovak observer present.

15. Two other articles of the Covenant had also raised questions requiring clarification. With regard to article 7, the Committee had felt that the criteria and procedures for decisions on promotions in employment, and the provisions regarding hours of work and rest of workers not covered by the Labour Code, particularly members of co-operatives, could usefully be clarified. Under article 8, the ILO report mentioned several issues which had been noted in connexion with the ILO's Conventions on Freedom of Association: the possibility for workers to establish organizations of their own choosing capable of carrying on trade union activities independently of the existing trade union movements, and independently of the Communist Party, and the possibility for members of collective farms to establish trade unions. The Committee of Experts had re-examined those matters in 1981, on the basis of the Government's latest report, and, in the absence of any change in the situation, had reiterated its comments.

16. Mr. KUNZ (Observer, Czechoslovakia) said that the many useful questions that had been asked, in respect not only of legislation but also of practice, would contribute to a climate of mutual understanding.

17. In reply to the questions put by the representative of Spain, he said that workers received not only wages but bonuses, various kinds of tax reductions, and children's allowances. Students received two kinds of financial support: when they lived with their parents, the parents received a children's allowance and the students received bonuses for scholastic achievement. Students who lived alone or had no parents received allowances of 500 crowns a month and similar bonuses for achievement. If two students were married, both received the allowances. All bonuses and allowances were paid out of State funds and there was no tuition charge. Approximately 45 per cent of students received study bonuses. Support to families took the form of tax cuts and children's allowances: a wife who was not employed, for example, received 500 crowns for the first child, 800 crowns for two children, and so on. All medical care was free. Night work was permitted for women over 18 in exceptional circumstances, where perishable products needed to be processed, or if the woman performed executive or managerial functions affecting the public. In Czechoslovakia many top managerial functions were carried out by women.

18. Health treatment included psychiatric care, and that too was paid for by the State. A person could only be committed to an asylum without his consent after the appointment of a guardian, by decision of a committee of three doctors and with the consent of the courts. Elderly persons who had been employed were eligible for pensions, widows could collect the pensions of their deceased husbands, and persons who had never been employed were entitled to a basic pension of between 300 and 500 crowns. There were 440 special homes for the elderly disabled, with more under construction. Elderly couples were able to live together in such homes. If they had the means, they contributed to the cost, or else their children, who were obligated under law to provide for their parents, paid if they could; otherwise the State covered all costs. There was also a network of home care services for the elderly, such as meals and visits, and opportunities for recreation and social life in the form of clubs and canteens.

(Mr. Kunz, Observer, Czechoslovakia)

19. The representative of the German Democratic Republic had inquired about old-age pensions. The eligibility requirements for old age pensions were described on page 12 of the report. However, nobody could be compelled to retire at the age of eligibility unless it could be proved he was incapable of further work. The pensions of persons who continued to work after reaching the eligibility age were increased by 7 per cent per annum. The old-age pensions of women included provision for childcare, which applied to adopted or foster children as well. Workers whose working capacity declined for reasons of health received help in obtaining suitable employment and also a disability pension. Widows over the age of 50 were entitled to their husbands' full pensions, while those under 50 received the pension for one year. There were also orphans' benefits and education allowances.

20. In reply to a question from the representative of the Libyan Arab Jamahiriya, about equality of status for disabled persons, he said that persons whose working capacity was impaired by poor health were entitled to free rehabilitation and to work opportunities in special conditions. There were special training schools for those with impaired vision, and a disabled person could not be refused employment if the National Committee recommended that an enterprise employ him, unless it could prove that he was unable to do the work. There were special co-operatives for disabled persons and special loans for training them, as well as a number of State organizations providing services for the disabled.

21. In reply to the question on working hours, he said that article 83 of the Labour Code provided that a worker should work no more than 46 hours a week. With lunch and recreation breaks, however, most people actually worked only 42 1/2 hours. One of the conclusions of the Sixteenth Congress of the Communist Party had been that measures should be taken to reduce working hours without reducing salary levels.

22. In connexion with the question on article 8 of the Covenant dealing with trade unions and the right to strike, he said that Czechoslovakia was bound by ILO Convention No. 87. No one was prevented from establishing a trade union and no State registration or permission was required. Trade unions other than the Revolutionary Trade Unions expressly mentioned in the Constitution and other legislation enjoyed the same status as other organizations under paragraphs 94-107 of the Economic Code and article 10 of the ILO Convention. There were currently about 80 organizations which met the requirements set forth in paragraph 2 of the Convention, including unions of doctors, lawyers and co-operative farmers. While the right to strike was not expressly provided for in the Constitution, neither was it prohibited. The right did exist, but in practice it was rarely exercised, since there were other, more effective ways of attaining the workers' goals.

23. Replying to the question on the membership of the Revolutionary Trade Unions, he said it had a central governing body and was made up of separate Czech and Slovak unions and other unions based on location and profession.

24. The contracts concluded by trade unions in collective bargaining contained

(Mr. Kunz, Observer, Czechoslovakia)

provisions on minimum wages, which ranged from 2,000 to 3,500 crowns, depending on the quality and importance of the work. There were also small or large bonuses for especially fast and high-quality work. Salaries were determined by specific contracts, although the law established the general guidelines.

25. With regard to the question on social care and recreation, he said that through collective contracts, the unions and the directors of enterprises decided on the facilities to be made available to workers. Examples of such facilities were paid recreation at spas and special schools for improving the worker's skills.

26. Replying to other questions by members of the Working Group, he pointed out that while all Czechoslovak citizens were not members of trade unions, those who were not were granted the basic rights provided by law. Any individual worker, like any citizen, could voice his opposition to labour regulations through trade union discussions. He could also address a written complaint to his deputy, the Federal Assembly, the Party organization or the press. Labour disputes were decided by arbitration commissions set up by the trade unions. If one party was not satisfied, he could appeal to the court and, if still not satisfied, take the case to the regional court, whose decisions were usually final. If he still felt that the law had been infringed, he could file a complaint and, if even then he was not satisfied and discovered new evidence in the case, he could ask for a rehearing, address a Commission on people's control at the district, regional or State level, or file a complaint with the President of the Republic. It was also possible to sue for damages caused by an improper decision of the State organ or court.

27. Czechoslovakia had ratified the Covenant on the understanding that all Czechoslovak legislation should reflect the rights it contained. On many of those rights, for example, the wording of Czechoslovak legislation was the same as that of the Covenant.

28. One of the objectives in Czechoslovakia was to reduce the number of working hours without reducing salaries. In fact, practice was anticipating the necessary legislation. For example, scientific workers were required to be at their place of work only eight hours per week, as long as they produced the required results. Private economic activity was allowed under the Constitution, as long as it did not involve exploitation of others. In reality, however, private enterprises, as such, did not exist.

29. He expressed appreciation for the opportunity to speak before the Working Group, and said that his Government favoured the broadest participation of States in international covenants. Fulfilment of the obligations entered into under those covenants would continue to constitute an important factor in the work of promoting respect for human rights and fundamental freedoms.

30. Mr. JOHNSON (Ecuador) took the chair.

31. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had completed its consideration of document E/1978/8/Add.18.

32. It was so decided.

33. Mr. SOFINSKY (Union of Soviet Socialist Republics), referring to the statement by the representative of the ILO, said that his delegation had been prepared to abide by the agreement reached the previous year regarding statements by representatives of specialized agencies. However, that agreement should be strictly adhered to, and his delegation had been disappointed to note that the representative of the ILO had failed to do so. In accordance with the Covenant, the relevant ECOSOC resolutions and the agreement, representatives of specialized agencies could not ask direct questions of representatives of States having submitted reports, or comment in any other way on the reports. Since the specialized agencies did not ratify the international Covenants, they should not be permitted to comment on their implementation. Statements by representatives of specialized agencies should be made in the same spirit as that of the FAO report, document E/1981/22, which was truly general in its approach.

34. Mr. DIA (Senegal) said he wished to clarify his ruling while serving as Chairman during the statement by the representative of ILO. During many meetings of the Working Group in 1980, representatives of specialized agencies had spoken in detail on the matters under consideration. To reverse that practice now would not be fair to States which had submitted their reports in 1980 and had had to answer direct questions from representatives of specialized agencies. Furthermore, since the Working Group was not made up of experts on many of the relevant matters, it could benefit greatly by hearing the contributions of experts from the specialized agencies. His delegation hoped that the Soviet delegation would waive its objections concerning the matter.

35. The CHAIRMAN said that he, too, hoped the situation would not arise again. After extensive consultations the previous year, a compromise formula had been reached in order to allow the Working Group to make progress in its work. That formula should not be questioned.

Report of Madagascar (E/1978/8/Add.29)

36. Mr. RABETAFIKA (Observer, Madagascar), introducing the report, drew attention to three typographical errors in the French text.

37. The Malgasy State's concern for workers was expressed in its Constitution, which did not merely recognize the right to work, but also provided that in order to translate that right into a reality, "the State promotes the performance by each citizen of an activity in accordance with his qualifications". It also protected the worker against any discrimination on grounds of race, origin, religious belief, degree of education, wealth or sex. The Government's general policy was set out in the Charter of the Socialist Revolution, which stated that full employment is simultaneously a social need, a moral duty and an agent of economic development. The Charter of Socialist Enterprises provided that the worker must no longer be considered as a simple object or instrument of production ... he has an inalienable right to work and employment security, and furthermore, he has the right to enjoy the results and fruits of his labour and to share in the progress of the enterprise. Those fundamental rules were reflected in legislative texts relating to economic planning, the reform of the educational system and professional training.

(Mr. Rabetafika, Observer, Madagascar)

38. Although the Labour Code stressed the establishment of a dialogue and a balance between the employer and the worker with, if necessary, the assistance of the public authorities, it was viewed as a bulwark of workers' protection. Its aim was to safeguard the interests and freedom of choice of the worker with respect to labour contracts, prohibition of forced and compulsory labour, representation of workers in the formulation of collective agreements, trade union freedoms, arbitrary dismissal or unjustified breach of contract.

39. In addition to describing general labour policy, in connexion with article 6 in particular, the report referred to policies and techniques promoting steady development and full productive employment, with special reference to economic and social planning; measures taken to ensure the best possible organization of labour markets and employment services, to adapt the educational and vocational training system, and to protect workers against unemployment.

40. The report mentioned four elements designed to ensure just and favourable working conditions in conformity with article 7 of the Covenant. The principles of remuneration were equal salary for equal qualifications, work and output, establishment by the State of a minimum starting salary, freedom of the negotiators of work contracts, collective or establishment agreements to set salaries higher than the legal minimum and acceptance and application by the State of the principle of the involvement of workers in socialist enterprises. The second element was work security and hygiene, which involved the definition of criteria by a technical consultative committee established within the Ministry of Labour, and special rules for work done by children and women, taking account of their physical capacity. The third element was equal promotion opportunities. No discrimination was practised once the conditions of level, qualifications and seniority were met. The State had also encouraged equal promotion opportunities by creating a National Institute for the Promotion of Training and a National Worker's Education Centre and by organizing direct, professional competitive examinations for access to various levels and posts in public administration. The fourth element was relaxation, leisure, working hours and paid vacations. On those subjects, the report provided specific information taken from the Labour Code and the general legislation affecting workers, and stressed the treatment given to working women. It also indicated the numbers of the ILO Conventions to which the Democratic Republic of Madagascar had acceded.

41. In observance of the trade union rights covered in article 8 of the Covenant, all workers enjoyed the right to join the union of their choice. Employers were prohibited from taking into consideration membership in a trade union or involvement in trade union activity when making decisions concerning the hiring of workers, the progress and distribution of work, professional training, promotion, remuneration and social benefits, disciplinary measures or dismissal. Trade unions could form federations, join international trade union organizations and freely carry out their activities. The Labour Code recognized the right to strike and lock-out but they could not be exercised until conciliation and arbitration measures had been exhausted.

42. With respect to the right to social security mentioned in article 9, the report described the worker's right to medical coverage and to services from the

(Mr. Rabetafika, Observer, Madagascar)

social security institutions, which were responsible for handling workers' compensation, family allowances, occupational accidents and diseases.

43. Mr. SHAMMA (Jordan) asked the representative of Madagascar what was meant by the reference in the second paragraph on page 6 of his Government's report to the abolition of the salary scale and the establishment of a single salary zone.

44. Mr. KORDS (German Democratic Republic) observed that the measures taken by Madagascar to safeguard and implement the right to work were clear proof of the efficiency of that country's legal system. He would like to know, however, how the Government of Madagascar was implementing the Charter of the Malagasy Socialist Revolution referred to in the section on protection against unemployment and what success it was having in that connexion. He was also interested to hear about the role of women in employment and whether there were laws to ensure equality of women in all fields.

45. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked whether the National Institute for the Promotion of Training (INPF) referred to in the section on equality of opportunities for promotion worked in conjunction with Madagascar's universities or other institutions and what was its precise function.

46. Mr. SVERRE (Norway) asked what was meant by the statement in the third paragraph of the section on trade union rights to the effect that trade unions could form an association of whatever structure. He would also welcome more information on the various kinds of trade unions in Madagascar and on how broad the union spectrum was in that country.

47. Mr. BORCHARD (Federal Republic of Germany) said that he would welcome further information on over-all planning procedures and organization and on the implementation of those procedures. He also would like to know whether foreign assistance was an element in planning activities and, if so, whether it took the form of international, bilateral or multilateral co-operation. He would also like to know the future intentions of the Government of Madagascar with regard to foreign assistance.

48. Mr. SAMSON (International Labour Organisation) said that the ILO Committee of Experts on the Application of Conventions and Recommendations had considered the Madagascar report in March 1981. Its report thereon was contained in the annex to document E/1981/41, which unfortunately had become available only that day. Paragraph 14 of the Committee's report also commented briefly on the status of ratification of ILO conventions by Madagascar. Madagascar had ratified quite a number of key ILO conventions which were relevant to the implementation of the Covenant. For instance, with regard to the right to work, it had ratified the Employment Policy Convention, the Discrimination (Employment and Occupation) Convention and the forced Labour Convention. With regard to the first of those Conventions, the Committee had asked Madagascar about the effect on unemployment of its medium-term plan 1978-80 and about its measures to reduce urban unemployment. With regard to the second Convention, it had had no outstanding comments but in

(Mr. Samson, ILO)

1979 had noted that Madagascar had abolished certain restrictions on the access of women to senior civil service posts. With regard to the third Convention, it had had some questions regarding liability for national service of a military, economic or social nature and regarding the nature of development works carried out by local communities.

49. With regard to the right to just and favourable conditions of work, Madagascar had ratified several relevant ILO conventions. The Committee still had some outstanding questions on the supplementing of safety standards, however, and had asked Madagascar to define inspection powers and increase inspections. Madagascar had ratified conventions on rest, hours of work and holidays with pay.

50. With regard to trade union rights, Madagascar had ratified the Right of Association (Agriculture) Convention and the Freedom of Association and Protection of the Right to Organise Convention. The Committee had requested more information on Madagascar's legislation governing the trade union rights of workers in the merchant marine, which were not covered by the Labour Code.

51. With regard to the right to social security, Madagascar had ratified a number of ILO conventions. In connexion with the social security rights of foreigners in Madagascar, the Committee had asked for more information on the conclusion of agreements with other States parties to ILO Convention No. 118. In accordance with the guidelines drawn up by the United Nations Secretariat in conjunction with the specialized agencies, social security should provide protection in nine areas. So far, Madagascar's legislation did not cover all those areas, a normal situation when one considered the country's stage of development. Besides, the Covenant provided for the progressive implementation of the rights which it established.

52. Mr. RAKOTONDRAINY (Labour Inspector, Director of the Madagascar National Worker's Education Centre), responding to the question put by the representative of Jordan, explained that wage policy in Madagascar was a delicate issue, as a very complex system had been inherited from the colonial era. In colonial times, there had been eight salary zones in Madagascar. These had been gradually reduced so that there was now only one salary zone. With regard to salary scales, there was now a uniform minimum wage for all activities in the industrial and commercial sectors and another uniform minimum wage for the agricultural sector. A very wide range of salary scales had been inherited from colonial times, with the range of wages and salaries permissible above the minimum wage so great as to create enormous disparities and unfairness. The Government was now working to abolish those scales in order to bring the upper limit on salaries down to a much lower level.

53. With regard to the question put by the representative of the German Democratic Republic, in order to prevent the exodus of the rural population to the cities, a phenomenon which aggravated urban unemployment, the Government was now encouraging country people to stay in rural areas by increasing the value of agricultural produce. Thus, for instance, in 1970 a kilogramme of rice had cost 34 or 35 Malagasy francs while it now cost 65 francs. Such price increases were

an incentive to produce more and to stay on the land. Agrarian reform was also being carried out to enable all agricultural workers to acquire land. The urban unemployed could also acquire land if they so wished. Socialist co-operatives were also being established in rural areas to help keep young country people on the land.

54. Another source of unemployment was created by the tendency of enterprises to reduce their staff when costs rose. In order to prevent arbitrary dismissal, therefore, such staff reductions were allowed only with the prior authorization of the public authorities. Applications to reduce staff were referred to the Minister of the Economy and, if accepted, were then referred to the Minister of Labour who acted only on the advisory opinion of a national or regional committee which had investigated the matter fully.

55. Employment services or departments in all the main urban areas established manpower policy and took steps to combat unemployment. Data on unemployment and manpower were then centralized by the national employment office which attempted to redeploy labour and redistribute jobs among the various regions of the country with a view to reducing unemployment problems.

56. There was no discrimination in the employment of women. Under the Labour Code, no discrimination was allowed among people with the same job qualifications and performance, regardless of sex or any other distinction. Women's access to senior posts in the civil service had previously been restricted, but there was no such discrimination under the new General Civil Service Statute. On the other hand, certain privileges were accorded to women employees with a view to protecting motherhood. The Labour Code gave women the right to maternity leave for 8 weeks prior to confinement and 6 weeks following confinement, and forbade the employment of women for 2 weeks prior to confinement and 6 weeks afterwards. The 6-week post-natal period could be extended for medical reasons. Working mothers were also given half an hour in the morning and half an hour in the afternoon to nurse their infants until the latter reached 15 months of age.

57. With regard to the question put by the representative of Spain, the National Institute for the Promotion of Training (INPF) was a public establishment which received financial support from UNDP and the Government, with the International Labour Office acting as executing agency. The Institute's main functions were training and promotion. It trained young people who had left school without having acquired a skill, provided in-service training for workers and advanced and further education for all employees, including cadres, and took charge of young graduates for the first three to six months after they qualified, giving them practical experience so that employers would be more willing to employ them. The Institute provided training in a wide variety of fields such as administration and finance, human resources management, marketing, small and medium-size enterprises, production organization, machinery, mechanics and maintenance. It did not work directly with any university, but it frequently drew on the skills of universities when it required assistance in training. Similarly, it could draw on the skills of the Ministry of Labour. At the same time, it did outreach work to industrial and other firms to determine what kind of training would be useful to them and their employees. When such firms trained their own staff, they called on the Institute for advice.

(Mr. Rakotondrainy)

58. With regard to the questions put by Norway regarding trade union rights, he said that unions established in accordance with the provisions of the Labour Code could function freely and take whatever form they liked. The term "union" was used very broadly. It could mean a group of workers in the same or related professions who then affiliated themselves to a trade union in order to protect their interests at grassroots or regional, interregional or national level. At national level they might become part of a federation. Such unions had the same rights and obligations as actual trade unions. The term would also include employers' unions at any level. Any such union could also become affiliated to international trade unions.

59. There were many trade unions in Madagascar, but they could be divided into two main groups: independent trade unions which were free to exercise all the powers of professional trade unions but had no political affiliation; and trade unions affiliated to political parties or to trade unions which had such an affiliation. The latter had the same rights as independent trade unions but could also participate in the country's political life and in efforts in defence of the revolution.

60. In response to the question put by the Federal Republic of Germany, in 1977 the Government had enacted a law on the orientation and implementation of socialist planning. The philosophy underlying the country's planning system was democratic centralism. Information on the country's needs and ideas for possible projects were gathered at grass-roots level and local, regional and national plans were drawn up to respond to those needs. Local needs were referred to regional planning bodies and taken into account at the regional plans of the country's six provinces. Regional plans were in turn referred to the People's National Assembly, which adopted the country's national plan.

61. The system of socialist enterprises also helped the Government to direct a major part of the country's economy. Once the State owned 51 per cent or more of the shares in an enterprise, that enterprise became a socialist enterprise. State-run companies were also socialist enterprises. Each economic sector, which included the sectors of transportation, energy, the textile industry and agriculture, had a steering committee which directed the activities of the socialist enterprises in that sector. Workers also participated in management at enterprise level.

62. In accordance with article 32 of the law on the orientation and implementation of socialist planning, investments had to be financed by mobilizing national resources in accordance with the principle of self-reliance. Foreign investments in Madagascar could not exceed 25 per cent of total investment in any project at any time during the period 1978-2000. The country drew on international co-operation only where national resources proved inadequate. International co-operation was thus possible, but only in accordance with the law on the orientation and implementation of socialist planning. Some countries were financing investment projects under multilateral schemes involving UNDP and the World Bank. France, the Federal Republic of Germany, the Netherlands and Switzerland among others, were financing investment projects on a bilateral basis.

(Mr. Rakotondrainy)

63. In response to the comments made by the representative of the ILO, his Government hoped to reply to the ILO Committee's report as soon as possible. Regarding the matter of labour inspection in the agricultural sector, however, the Government did not yet differentiate between the industrial and commercial sectors and the agricultural sector. Labour inspectors were responsible for formulating policy on conditions of work in all those sectors, as it had proved difficult to recruit a sufficient number of inspectos to permit differentiation between the agricultural and other sectors. The Government was making every effort to implement the relevant ILO Convention, however, and was creating incentives to prevent corruption among labour inspectors and to encourage further recruitment.

64. The CHAIRMAN said that, if he heard no objections, he would take it that the Working Group had concluded its consideration of the report of Madagascar contained in document E/1978/8/Add.99.

65. It was so decided.

66. Mr. RABETAFIKA (Observer, Madagascar) observed that the comments and questions of the Working Group would help his delegation considerably when it came to present a report under the second stage. His country attached great importance to the implementation of economic, social and cultural rights, which formed an integral part of the Charter of the Malagasy Socialist Revolution.

67. Mr. AGBASI (Secretary of the Working Group) informed the members, pursuant to General Assembly resolution 33/35 that, at its session held from 14 to 25 April 1980, the Working Group had lost a total of 14.15 hours or almost six full meetings because it started its meetings late and finished early.

The meeting rose at 6.10 p.m.